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# Claims of certain Indians on Red Lake Indian Reservation.

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## CLAIMS OF CERTAIN INDIANS ON RED LAKE INDIAN RESERVATION.

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APRIL 15, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. EDDY, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany H. R. 8041.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8041) entitled "A bill for the relief of certain Indians on the ceded portion of the Red Lake Reservation," beg leave to submit the following report and recommend that said bill do pass.

This is a bill enacting that the Indians mentioned in said bill be exempted from provisions 5 and 6 of the act of Congress of January 14, 1889, and be allowed to take the lands on which they are now located in lieu of allotments to which they are entitled on the diminished reservation.

These Indians were born on the lands on which they now reside; they have houses and other valuable improvements on the same, and it is but just that they be allowed to retain them.

Letters from the Secretary of the Interior and the Commissioner of Indian Affairs, and also a letter from the commissioners of Roseau County, and others are appended.

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DEPARTMENT OF THE INTERIOR,  
*Washington, March 5, 1896.*

SIR: I have the honor to herewith transmit a copy of a letter from the Commissioner of Indian Affairs, proposing certain legislation in behalf of certain Chippewa Indians, named Na may puck, Ka ka keese, and Ka kee ka kee sick, permitting them to retain the lands upon which they have resided for many years and upon which they have made improvements instead of being compelled to remove to the diminished Red Lake Reservation under the provisions of the act of Congress approved January 14, 1889 (25 Stat. L., 642).

Believing from the statements of the Commissioner that the proposed legislation should be enacted, the same, as set forth in the inclosed draft of a bill in behalf of the persons named herein, is hereby respectfully recommended.

Very respectfully,

HOKE SMITH, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, March 4, 1896.*

SIR: I am in receipt of your letter of January 10, 1896, referring to office report of March 12, 1895 (Land 9, 347) in which you state that you have considered the matter of allowing certain Chippewa Indians named Na may puck, Ka ka keese, and Ka kee ka kee sick, residing at the mouth of War Road River on the Red Lake

Reservation, Minn., to retain the lands upon which they have resided for many years and upon which they have made improvements instead of being compelled to remove to the diminished reservation. You further state that you agree with this office that these Indians, who have shown a desire and ability to make homes for themselves and to become self-supporting, should be afforded the relief they ask, and also in the further conclusion reached by this office that Congressional action is necessary to accomplish this result. You accordingly direct this office to prepare a bill to be submitted to Congress to grant said Indians the land on which they now reside, and also to furnish such a definite description of the land occupied by them as will enable the Department to reserve and exempt it from any action that may be taken to open for settlement the agricultural lands on the ceded portion of the reservation.

In compliance with these instructions, I have prepared, and submit herewith, a bill for the purpose of granting to said Indians the lands on which they now reside near the mouth of War Road River on the Lake of the Woods. The land is unsurveyed, but is situated in township 163 north of range 36 west, and about on section 29 thereof.

I respectfully recommend that a copy of the bill and a copy of this report be sent to each of the branches of Congress with the view to the passage of the bill by that body, also that a copy of this report be sent to the Commissioner of the General Land Office, in order that he may reserve and exempt said lands from the provisions of sections 5 and 6 of the act of Congress of January 14, 1889 (25 Stat. L., 642). As the lands are unsurveyed, a more definite description of them can not be given at this time.

For the information of the respective Houses of Congress, I submit the following statement of facts relative to said Indians as shown by the files of this office:

That said Na may puok, Ka ka keese, and Ka kee ka kee sick are American born and are known as men who have never ceded any of their lands under any treaty, and have never asked for or received aid in any manner from the United States in the way of annuities; that they were born upon and have always resided upon the lands which they now ask the United States to grant them in lieu of allotments to which they are entitled upon the diminished Red Lake Reservation; that said Indians have always borne a good character and have adopted the dress and manners of whites; that they have cultivated and improved the lands they occupy, have built good houses, accumulated property, and are making their own living; that the lands they occupy contain no merchantable timber of any kind nor minerals, but are wholly agricultural, and that said Indians and their families are the only Indians residing in that neighborhood.

For the further information of the respective Houses of Congress I have the honor to state that the Red Lake Indian Reservation, Minn., is included in the provisions of the act of Congress of January 14, 1889 (25 Stat. L., 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." Under the provisions of this act an agreement was negotiated with the Red Lake band of Chippewa Indians for the "complete cession and relinquishment in writing" of all their reservation except that part in and about the upper and lower Red Lakes, and from thence westerly to the western boundary of the old reservation at Thief River, a particular description of which is contained in the agreement. All the remainder of the lands are to be sold for the benefit of all the Chippewa Indians of the State of Minnesota, the "pine lands" in accordance with the provisions of section 5 of the act, and the "agricultural lands" in accordance with the provisions of section 6 of the act. As the lands occupied by these Indians are claimed to be agricultural lands, I deem it of importance to quote that part of the section relating to the sale of this class of lands. Said section provides as follows:

"That when any of the agricultural lands on said reservation not allotted under this act nor reserved for the future use of said Indians have been surveyed, the Secretary of the Interior shall give thirty days' notice, through at least one newspaper published at Saint Paul and Crookston, in the State of Minnesota, and at the expiration of thirty days the said agricultural lands so surveyed shall be disposed of by the United States to actual settlers only under the provisions of the homestead law: *Provided*, That each settler under and in accordance with the provisions of said homestead laws shall pay to the United States for the land so taken by him the sum of one dollar and twenty-five cents for each and every acre, in five equal annual payments, and shall be entitled to a patent therefor only at the expiration of five years from the date of entry according to said homestead laws, and after the full payment of said one dollar and twenty-five cents per acre therefor, and due proof of occupancy for said period of five years, and any conveyance of said lands so taken as a homestead, or any contract touching the same prior to the date of final entry, shall be null and void." \* \* \*

Section 3 of the act provides that lands shall be allotted the Red Lake Indians on the retained portion of the reservation. The Indians referred to, it is thought, are

clearly entitled to remove to and take allotments on the retained portion of the reservation under the provisions of section 3 of said act; but this is just what they do not want to do, and so ask to be permitted to remain where they are and be given title to the land which they now occupy in lieu of any allotments which might be given them on the retained portion of the reservation.

The lands now occupied by these Indians are not subject to allotment under the provisions of section 4 of the general allotment act, the act of February 8, 1887 (24 Stat. L., 388), for on August 26, 1891, the Honorable Assistant Attorney-General for the Interior Department rendered an opinion, concurred in on August 28, 1891, by the Department, to the effect that public lands to be disposed of at a certain rate per acre are not subject to allotment under the provisions of said act. Moreover, inasmuch as these Indians were born and reside on the Red Lake Reservation, and provision has been made for allotments to them on the retained portion under Department circular of September 17, 1887, they do not fall within the classes of Indians who may take allotments on the public domain.

As I have said, these lands are to be sold under the provisions of sections 5 and 6 of said act of January 14, 1889, and without the legislation herein asked for the Indians in question will lose their right to remain upon said lands, and will thereby forfeit the improvements that they have placed thereon. For these reasons it is respectfully urged that the bill submitted herewith be passed by Congress.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

ROSEAU, MINN., *March 17, 1896.*

DEAR SIR: The undersigned, the board of county commissioners of Roseau County, Minn., do hereby request that you use all honorable means to secure the passage by Congress of the bill allotting 160 acres of land each to Na may puck, Ka ka keese, and Ka kee ka kee sick, American Indians, residing at the mouth of War Road River on Lake of the Woods in this, Roseau County. We deem it as simple justice that these Indians be given the lands where they now reside and have always resided.

Yours, respectfully,

A. O. SKAGEN, *Chairman,*  
LANS HAGLUND,  
CHAS. HEDLUND,  
S. G. BERTILUND,

*Board of County Commissioners of Roseau County, Minn.*

Attest:

C. A. MOODY, *County Auditor.*

[SEAL.]

STATE OF MINNESOTA, *County of Roseau, Village of Roseau:*

The above is indorsed by the village council of the village of Roseau.

[SEAL.]

J. FRIEND HOLMES,  
*Village Recorder.*

HON. FRANK M. EDDY, M. C.,  
*Washington, D. C.*